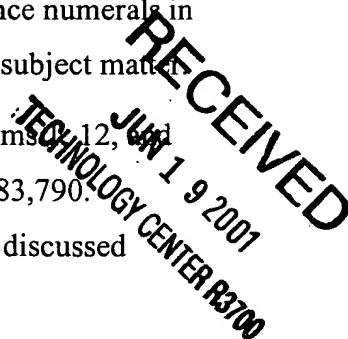




Applicant is submitting proposed substitute drawings, with reference numerals in red. Formal drawings will be submitted upon the indication of allowable subject matter.

Applicant respectfully requests reconsideration of rejection of claims 12, 14 under 35 U.S.C. §102 as anticipated by Wheatley, U.S. Patent No. 5,083,790. Applicant has cancelled claim 1 without prejudice. Claims 12 and 14 are discussed further below.

Applicant respectfully requests reconsideration of the rejection of claims 2, 3, and 14 – 16 under 35 U.S.C. §103 as obvious from Wheatley. Claims 2, 3, and 14 (as amended) are directed to a sport-specific training and conditioning device comprising a handle shaped like the grip portion of a sports implement, having first and second ends, and a weight on the second end of the handle, “the center of mass of the device is less than about 13 inches from the first end of the handle”. This is not shown or suggested in Wheatley, which shows a golf device with a “balance point” at least 17 inches from the free end of the handle. Wheatley does not teach a sports device with a center of mass less than 16 to 18 inches, and in particular Wheatley does not teach or suggest a device in which the center of mass is 13 inches from the free end, as required by claim 2. The inventor has discovered that positioning the center of mass within thirteen inches of the hand grip, ensures the isolation of the user’s forearms. This is not shown or suggested in Wheatley, which is more concerned with proper swing motion, not isolating and strengthening the user's forearms. As applicant explained in the application, “One drawback with these [prior art] devices is that the extra weight is usually concentrated at the remote or distal end of the sports implement. This unnecessarily strains the user, and particularly the user's shoulders, and does not concentrate the training and conditioning on the user's forearms which, in most sports, are critical to the proper use of the implement.” Indeed, Wheatley explains that its balance point is to have the proper hand position while the user swings the device, provide the proper follow through, and maintaining proper body posture (col. 4, lines 52-61). Wheatley is explicit about the dimensions, and there is no teaching or suggestion of making the balancing point any closer to the handle, let alone within 13 inches as required by claims 2, 3, and 14. For at least this reason, applicant respectfully submits that the rejection of claims 2, 3, and 14 should be withdrawn.





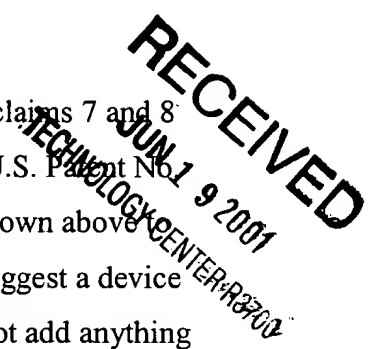
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Claims 15 and 16 are likewise directed to a sport-specific training and conditioning device, the device comprising a handle shaped like the grip portion of the implement, the handle having first and second ends and being less than about 10 inches long, and a weight on the second end of the handle, the center of mass of the weight being less than about 13 inches from the first end of the handle. This is not shown or suggested in Wheatley. Even if Wheatley disclosed a handle "less than about 10 inches long" (this is not clear because patent drawings are not to scale, and the hand grip portion is clearly more than half of the 17" distance from the end to the balance point), it is clear that the center of mass of the weight is not "less than about 13 inches from the handle". At a minimum it is at least 17 inches from the handle, and the center of mass of the shaft 12 is probably considerably further than 17 inches from the end of the handle. Wheatley provides no teaching of moving the center of mass of the weight and closer to the handle, let alone to less than 13 inches are required by claims 15 and 16. For at least this reason, applicant respectfully submits that the rejection of claims 2, 3, and 14 should be withdrawn.

Applicant respectfully requests reconsideration of the rejection of claims 4 and 5 under 35 U.S.C. §103 as unpatentable over Wheatley in view of Lored, U.S. Patent No. 6,083,116. Claims 4 and 5 have been amended to depend from claim 2, shown above to be allowable over Wheatley at least because Wheatley does not teach of suggest a device in which the center of mass is 13 inches from the free end. Lored does not add anything to this, and for at least this reason, applicant respectfully submits that the rejection of claims 4 and 5 should be withdrawn.

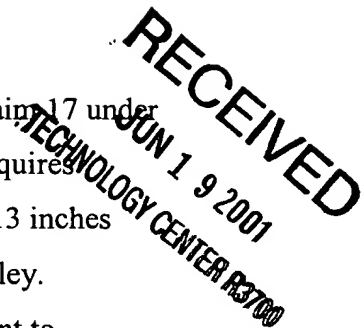
Applicant respectfully requests reconsideration of the rejection of claim 6 under 35 U.S.C. §103 as unpatentable over Wheatley in view of Wendt, U.S. Patent No. 4,602,788. Claim 6 has been amended to depend from claim 2, shown above to be allowable over Wheatley at least because Wheatley does not teach of suggest a device in which the center of mass is 13 inches from the free end. Wendt does not add anything to this, and for at least this reason, applicant respectfully submits that the rejection of claim 6 should be withdrawn. In addition, an obvious typographic error "weights" instead of "weighs" has been corrected.



Applicant respectfully requests reconsideration of the rejection of claims 7 and 8 under 35 U.S.C. §103 as unpatentable over Wheatley in view of Benson, U.S. Patent No. 5,807,103. Claims 7 and 8 have been amended to depend from claim 2, shown above to be allowable over Wheatley at least because Wheatley does not teach or suggest a device in which the center of mass is 13 inches from the free end. Benson does not add anything to this, and for at least this reason, applicant respectfully submits that the rejection of claims 7 and 8 should be withdrawn.

Applicant respectfully requests reconsideration of the rejection of claims 9 and 13 under 35 U.S.C. §103 as unpatentable over Wheatley in view of Beach, U.S. Patent No. 4,898,384. Claims 9 and 13 have been amended to depend from claim 2, shown above to be allowable over Wheatley at least because Wheatley does not teach or suggest a device in which the center of mass is 13 inches from the free end. Beach does not add anything to this, and for at least this reason, applicant respectfully submits that the rejection of claims 9 and 13 should be withdrawn. Moreover, claim 9 specifically recites that the "handle is shaped like the grip portion of a bat", while Beach shows a device with a handle shaped like the grip portion of a bat, Beach does not teach or suggest such a device where the center of mass is 13 inches from the free end, and thus the invention as a whole, cannot be said to be obvious. Claim 13 requires that the "handle is shaped like the grip portion of a hockey stick". This is not shown or suggested in the references. The batting in baseball or softball and swinging a hockey stick are very different motions. For most conventional sports training devices it would not be obvious that a device constructed for one sport would be at all useful in another sport. However, applicant's device, which isolates and exercises the forearms is applicable to multiple sports. This is not obvious from the Beach's batting aid.

Applicant respectfully requests reconsideration of the rejection of claims 10 and 11 under 35 U.S.C. §103 as unpatentable over Wheatley in view of Marquez, U.S. Patent No. 5,755,633. Claims 9 and 13 have been amended to depend from claim 2, shown above to be allowable over Wheatley at least because Wheatley does not teach or suggest a device in which the center of mass is 13 inches from the free end. Marquez does not add anything to this, and for at least this reason, applicant respectfully submits that the rejection of claims 10 and 11 should be withdrawn.



Applicant respectfully requests reconsideration of the rejection of claim 17 under 35 U.S.C. §102 as anticipated by unpatentable over Wheatley. Claims 17 requires swinging a device with a center of mass of the device being less than about 13 inches from the first end of the handle. This is not disclosed or suggested in Wheatley. Applicant has discovered that the placement of the center of mass is important to isolating and exercising the forearms, and swinging a device with a center of mass further away from the end of the handle is a vastly different method than swinging applicant's device where the center of mass is within thirteen inches of the user's hands. For at least this reason, the rejection of claim 17 should be withdrawn.

Applicant respectfully submits that upon entry of the above amendments, and consideration of the above remarks, that claims 2 – 17, being all of the pending claims, will be found in condition for allowance. If it would advance the prosecution of this application, the Examiner is invited to telephone the undersigned.

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ATTACHMENT SHOWING AMENDMENTS TO CLAIMS

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Claim 2 has been rewritten as follows:

2. (Amended) A sport-specific training and conditioning device for a sport using a handheld implement having a grip portion, the device comprising a handle shaped like the grip portion of the implement, the handle having first and second ends, and a weight on the second end of the handle, [The sport-specific training and conditioning device according to claim 1 wherein] the center of mass of the device[is] being less than about 13 inches from the first end of the handle.

Claim 3 has been rewritten as follows:

3. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein the center of mass of the device is less than about 13 inches from the first end of the handle, but past the graspable portion of the handle.

Claim 4 has been rewritten as follows:

4. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein the weight has a diameter of less than about 4 inches.

Claim 5 has been rewritten as follows:

5. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein the weight has a length of less than about 4 inches.

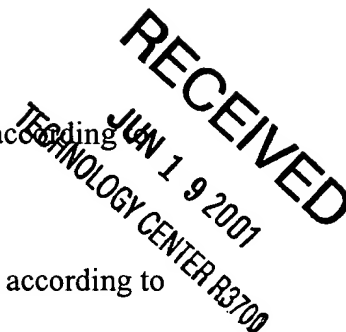
Claim 6 has been rewritten as follows:

6. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein the device [weights] weighs more than the hand-held implement used in the sport.

Claim 7 has been rewritten as follows:

7. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein one of the handle and weight includes an externally threaded portion, and wherein the other of the handle and weight includes an internally threaded socket.

Claim 9 has been rewritten as follows:



9. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein the handle is shaped like the grip portion of a bat.

Claim 10 has been rewritten as follows:

10. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein the handle is shaped like the grip portion of a racket.

Claim 12 has been rewritten as follows:

12. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein the handle is shaped like the grip portion of a golf club.

Claim 13 has been rewritten as follows:

13. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein the handle is shaped like the grip portion of a hockey stick.

Claim 14 has been rewritten as follows:

14. (Amended) The sport-specific training and conditioning device according to claim [1] 2 wherein the handle is less than about 10 inches long.

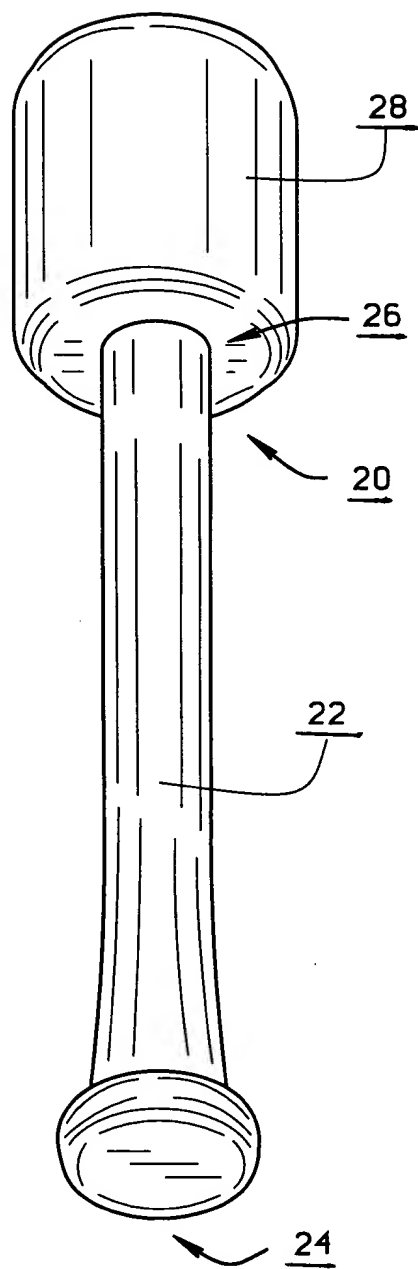


FIG. 1

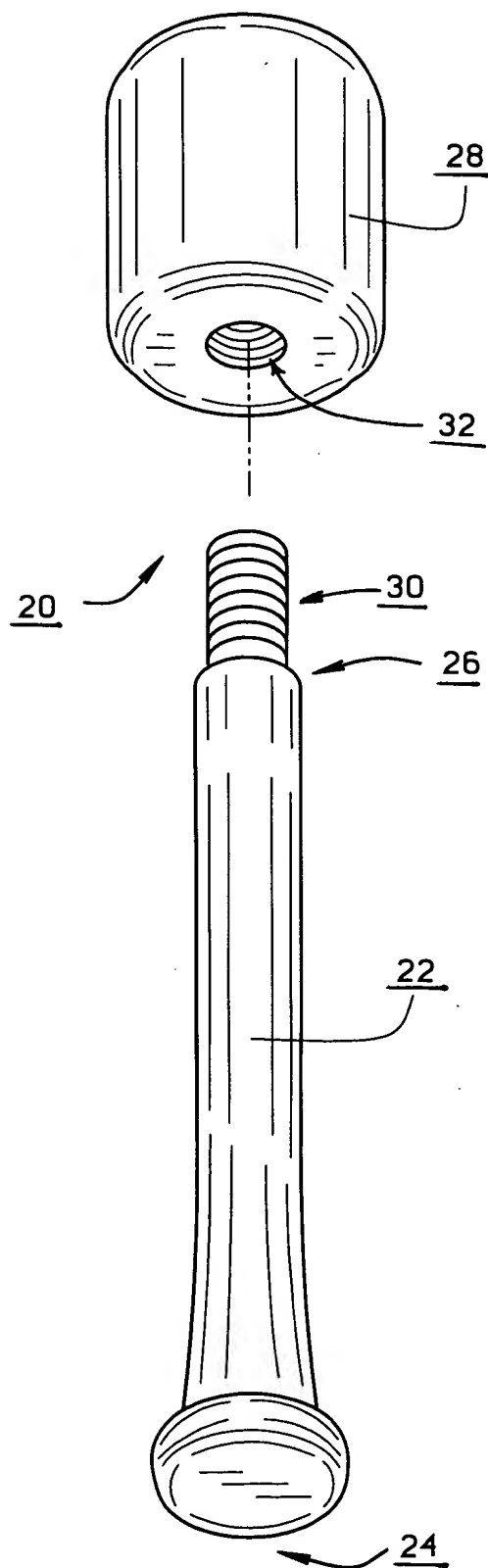


FIG. 2

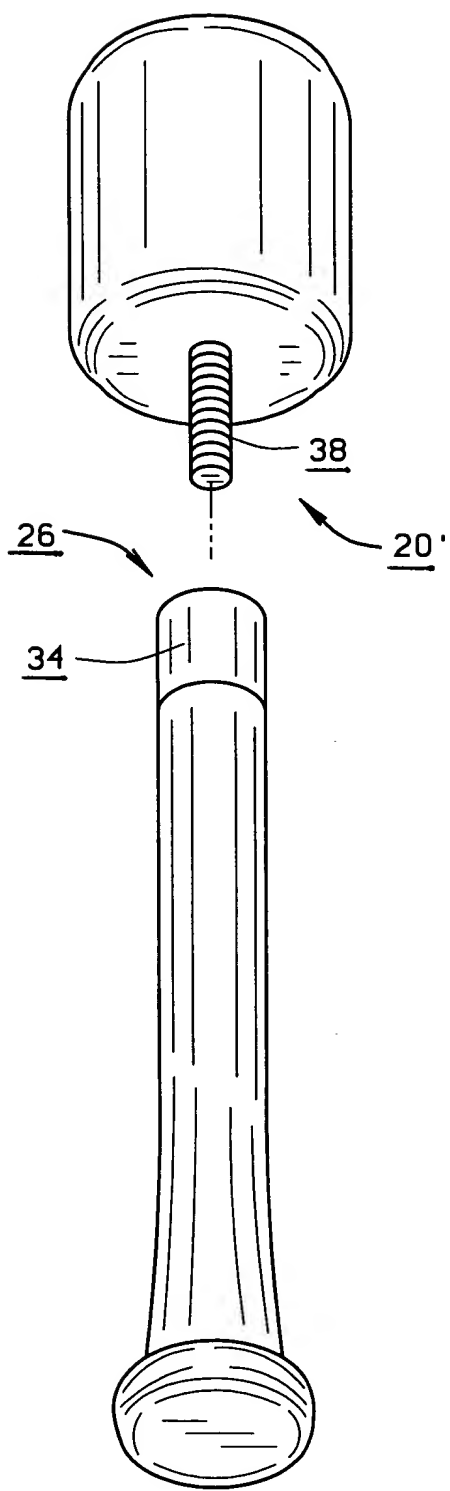


FIG. 4

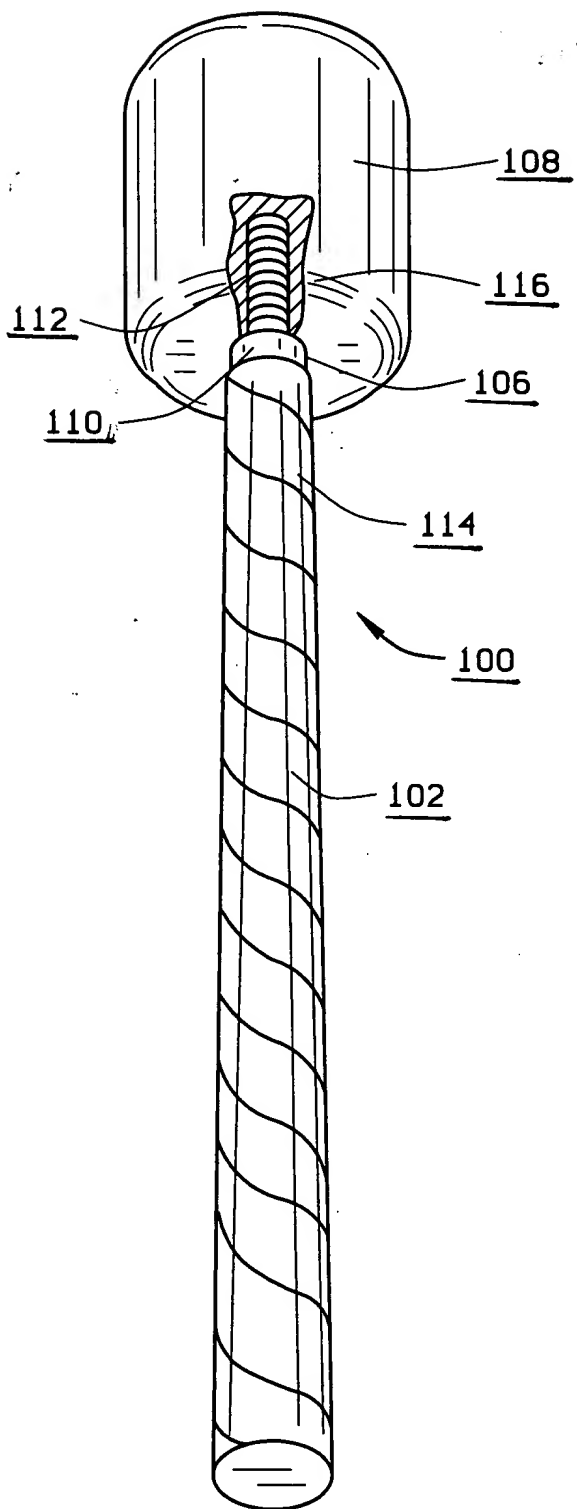


FIG. 6

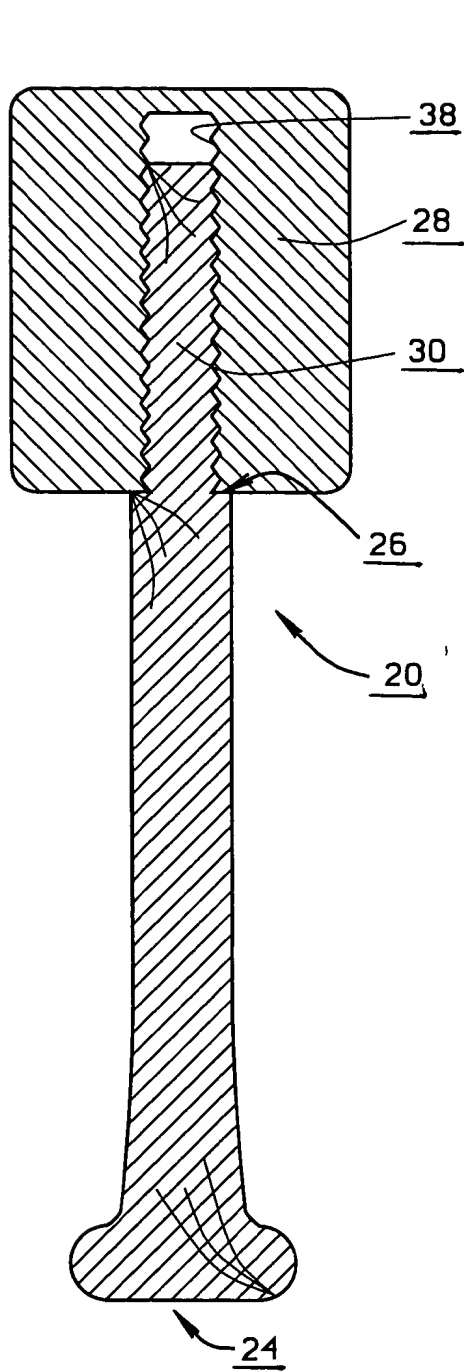


FIG. 3

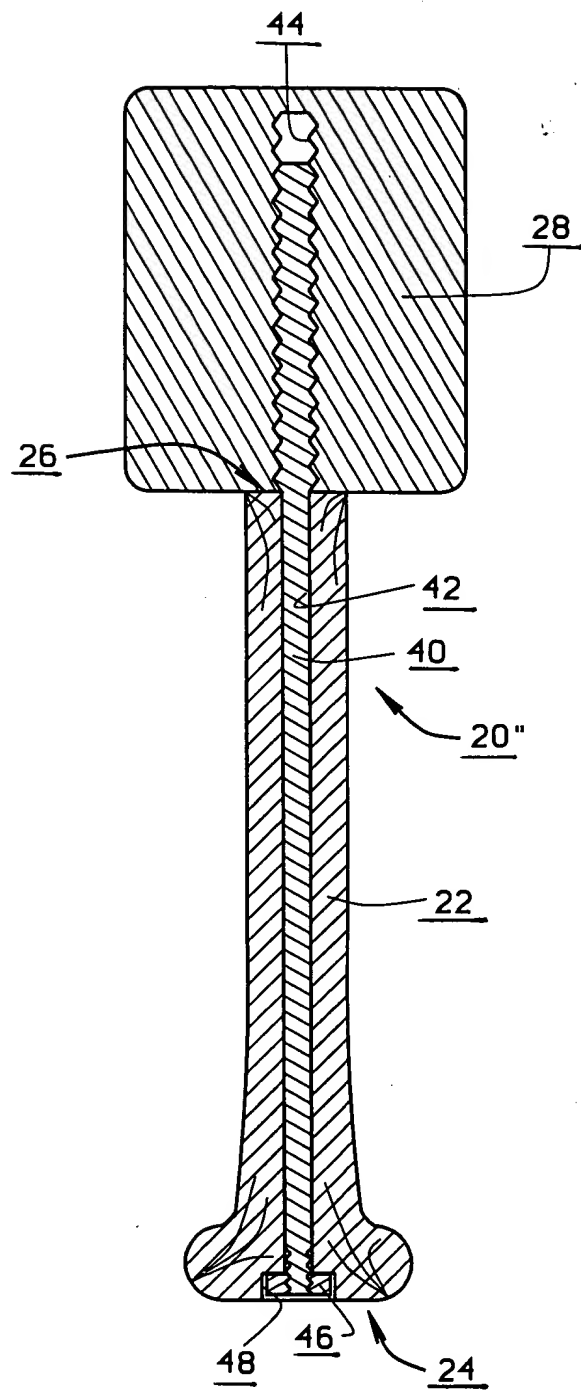


FIG. 5

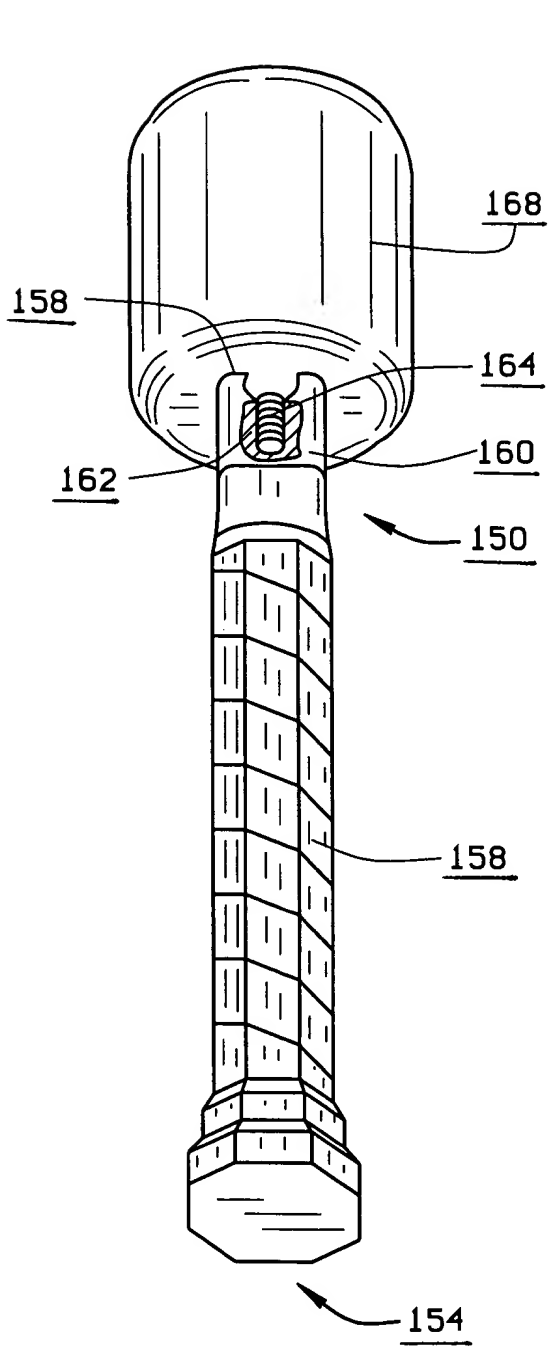


FIG. 7

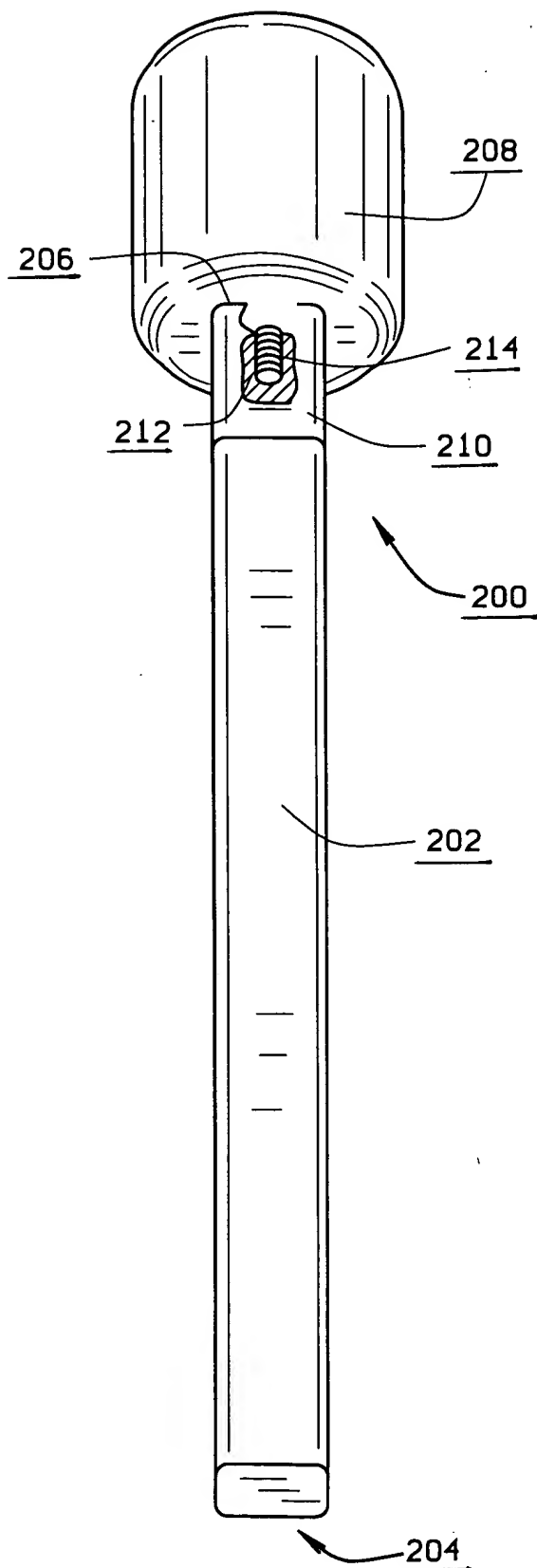


FIG. 8